



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.: 09/882,509
Filing Date: June 15, 2001
Applicant(s): KUPPUSAMY et al.

Group Art Unit: 1614
Examiner: Unknown
Attorney Docket No. 51321.003

Title: **RECOMBINANT STREPTOKINASE**

RECEIVED

APR 01 2002

OFFICE OF PETITIONS

**PETITION UNDER 37 CFR §1.47(a) TO PROCEED WHEN AN INVENTOR
REFUSES TO SIGN DECLARATION**

01/30/2002 02EW01E1 00000001 00000000

01/30/2002 02EW01E1 00000001 00000000

Box: Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

To the Commissioner:

Applicants respectfully petition that the above-identified application for patent be placed in line for examination on the merits in the absence of the signature of inventor Ghan Shyam Khatri, whose current address is H.No. 8-3-677/16, Srikrishna Devaraya Nagar, Yellareddy Guda, Hyderabad 500 073, India. A check in the amount of \$130 is enclosed to cover the cost of this petition (37 CFR §1.17(h)).

UNDERLYING FACTS

The subject application was filed on June 15, 2001, with an unsigned declaration. A Notice to File Missing Parts was mailed by the Office on August 16, 2001. Applicants' undersigned counsel, having previously forwarded an inventors' declaration to the Applicants for execution, informed Applicants of the Notice to File Missing Parts and requested that the signed declaration be returned without delay.

In response, undersigned counsel received an original declaration signed by four of the five inventors, along with a cover letter explaining that, "due to certain profession related obligations," Dr. Ghan Shyam Khatri was refusing to sign the declaration. A copy of the cover letter that accompanied the declaration is attached hereto as Exhibit A.

In response to the cover letter, Applicant's undersigned counsel sent to Applicants a brief eMail explaining the basics of inventorship before the U.S. Patent & Trademark Office. A copy of this eMail is attached hereto as Exhibit B. In short, the eMail sets forth the basic



-2-

parameters of inventorship and closes with the admonition that if Dr. Ghan Shyam Khatri is an inventor, he must be named in the subject application, regardless of whether he signs the declaration. The eMail also states that if Dr. Ghan Shyam Khatri is not a true inventor, he must be removed from the list of inventors.

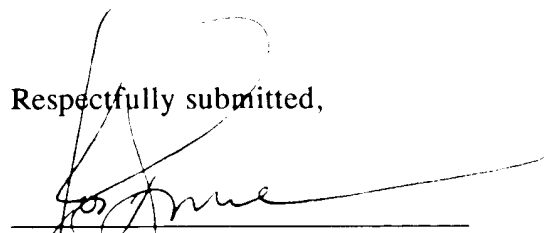
In a follow up conversation Subhra Lahiri, one of the co-inventors and counsel's contact person in India, the undersigned counsel was informed that Dr. Ghan Shyam Khatri did, in fact, play a pivotal role in the conception and reduction to practice of the invention now claimed. It is therefore counsel's belief that Dr. Ghan Shyam Khatri is a properly-named inventor in the subject application.

Nevertheless, Dr. Ghan Shyam Khatri continues to refuse to sign the declaration based upon certain rather poorly articulated financial and profession "obligations."

The other named inventors are in regular professional contact with Dr. Ghan Shyam Khatri and the five named inventors continue their scientific collaborations. The address listed above for Dr. Ghan Shyam Khatri is his current address and at least co-inventor Subhra Lahiri has inveighed upon Dr. Khatri to sign the declaration. Dr. Khatri, however, remains steadfast in his refusal to sign the declaration. The remaining inventors therefore petition to have the application proceed without the signature of Dr. Ghan Shyam Khatri.

Should the Petitions Branch have any questions or comments with respect to the above-referenced application, it is requested to contact the undersigned attorney. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

Respectfully submitted,


Joseph T. Leone, Reg. No. 37,170
DEWITT ROSS & STEVENS S.C.
Firststar Financial Centre
8000 Excelsior Drive, Suite 401
Madison, Wisconsin 53717-1914
Telephone: (608) 831-2100
Facsimile: (608) 831-2106

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Box: Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Date of Deposit 10-25-01

Date of Signature: 10-25-01

Signature: Marcia Layton